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Paper No. 4

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JUN 26 2002

**OFFICE OF PETITIONS**

In re Application of :  
Janat Horn et al : DECISION GRANTING  
Application No. 10/026,747 : PETITION  
Filed: December 20, 2001 :  
Attorney Docket No. 4797-93 :

This is a decision on the petition under 37 CFR 1.10(c) filed May 31, 2002, which is properly treated as a petition under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of December 20, 2001, rather than the presently accorded filing date of December 22, 2001.

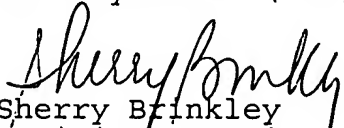
Applicants request the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on December 20, 2001, pursuant to the requirements of 37 CFR 1.10. In support, applicants provided, inter alia, a copy of the Express Mail label receipt; but, the Express Mail Number and the "date-in" are not legible. The petition is also accompanied by a copy of the USPS Track/Confirm system information showing that the package bearing Express Mail label No. EK051318535US was accepted on December 20, 2001. The same Express Mail receipt number appears on the copy of the original application transmittal letter submitted with the present petition.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on December 20, 2001.

The petition is granted.

The application is being returned to Initial Patent Examination Division for correction of the filing date to December 20, 2001.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

  
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Petitions Examiner  
Office of Petitions  
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for Patent Examination Policy